

EXHIBIT “1”

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Martin Zurada (SBN 218235) Venardi Zurada LLP 25 Orinda Way, Suite 250 Orinda, CA 94563 TELEPHONE NO.: (925) 937-3900 FAX NO.: (925) 937-3905 ATTORNEY FOR (Name): Plaintiffs Corby Kuciemba and Robert Kuciemba		FOR COURT USE ONLY <h1 style="margin: 0;">FILED</h1> San Francisco County Superior Court OCT 23 2020 CLERK OF THE COURT BY: <i>Ekalene Polina</i> Deputy Clerk	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:		CASE NUMBER: CGC-20-587507 DEPT:	
CASE NAME: Corby Kuciemba and Robert Kuciemba vs. Victory Woodworks, Inc., et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court f. <input type="checkbox"/> Substantial postjudgment judicial supervision
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3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): Five (5)

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 22, 2020

Martin Zurada

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

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 10 CORBY KUCIEMBA and
 11 ROBERT KUCIEMBA

FILED
 San Francisco County Superior Court

OCT 23 2020

CLERK OF THE COURT
 BY: *Shalene Johnson*
 Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF SAN FRANCISCO
 UNLIMITED JURISDICTION**

12 CORBY KUCIEMBA, an individual;
 13 ROBERT KUCIEMBA, an individual,

Plaintiffs,

v.

16 VICTORY WOODWORKS, INC., a Nevada
 17 Corporation; and Does 1-20, inclusive,

Defendants.

CASE NO.: CGC-20-587507

**COMPLAINT FOR DAMAGES; DEMAND
 FOR JURY TRIAL**

BY FAX

19 Plaintiffs CORBY KUCIEMBA and ROBERT KUCIEMBA allege as follows:

PARTIES

22 1. Plaintiffs CORBY KUCIEMBA and ROBERT KUCIEMBA ("Plaintiffs") are and
 23 were married at the time of the events described in this Complaint.

24 2. Defendant VICTORY WOODWORKS, INC. is a Nevada corporation with its
 25 principal place of business located at 340 Kresge Lane, Sparks, Nevada. Defendant conducts
 26 business throughout California, including in San Francisco, California.

27 3. The true names or capacities, whether individual, corporate, associate or otherwise,
 28 of Defendants, DOES 1 through 20, inclusive, are unknown to Plaintiffs who, therefore, sue said

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Defendants by such fictitious names and will seek leave of Court to amend this Complaint when the same have been ascertained. Plaintiffs are informed and believes, and upon such information and belief, alleges that each Defendant designated herein as a DOE was responsible, negligently or in some other actionable manner, for the events and happenings referred to herein which proximately caused injury to Plaintiffs as hereinafter alleged. Each reference in this Complaint to "defendant," "defendants" or a specifically named defendant refers also to all defendants sued under fictitious names. Plaintiffs are informed and believe, and based thereon allege, that at all times herein mentioned each of the defendants was the agent, employee and servant of each of the remaining defendants, and in doing the things hereinafter alleged was acting within the scope of such agency, employment, and servitude, with the knowledge and consent of each of the defendants. Whenever this Complaint makes reference to "defendants" or "defendants, and each of them," such allegations shall be deemed to mean the acts of defendants acting individually, jointly and/or severally.

SUBJECT MATTER JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction and is a proper venue because Mr. Kuciemba was employed by Defendant in San Francisco County. Furthermore, Mr. Kuciemba contracted COVID-19 on a job site operated by Defendant in San Francisco County and thereafter infected his wife with COVID-19.

GENERAL ALLEGATIONS

5. Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) is a strain of coronavirus. This virus is responsible for causing the disease known as COVID-19.

6. COVID-19 is a highly contagious respiratory illness that spreads between people through close contact and via respiratory droplets produced from coughs or sneezes. The virus can be devastating and even fatal especially for vulnerable populations, e.g. persons who are over 65 or who have pre-existing health conditions.

7. After the virus arose in an initial outbreak in Wuhan, China, it spread rapidly around the globe in early 2020. The World Health Organization declared COVID-19 a pandemic in March 2020. As of the filing of this complaint, it is estimated that COVID-19 has infected over 41 million people and killed at least 1.13 million.

1 8. Beginning in March 2020, the Bay Area Counties issued Shelter in Place Orders that
2 Order prohibited all nonessential travel and required individuals to otherwise remain at their place
3 of residence in order to limit the spread of COVID-19.

4 9. In the early days of the pandemic, the Centers for Disease Control ("CDC") issued
5 guidance stating that individuals exposed to people infected with COVID-19 must quarantine at
6 home for 14 days after their last contact with the infected individual. This guidance is designed to
7 limit the spread of the highly infectious virus.

8 10. Over time, these various Shelter in Place Orders were relaxed to allow for the safe
9 reopening of the economy. Government agencies at the state, federal, and local level also issued
10 various health orders targeted for specific industries. Most relevant here is San Francisco City and
11 County's Order of the Health Officer No. C19-07c (Issued May 5, 2020) (the "Health Order").

12 11. The Health Order requires individuals engaged in the construction industry to follow
13 strict health and safety guidelines to prevent the spread of COVID-19. The Health Order required
14 that construction sites must "Establish a daily screening protocol for arriving staff to ensure that
15 potentially infected staff do not enter the construction site. If workers leave the jobsite and return
16 the same day, establish a cleaning and decontamination protocol prior to entry and exit of the
17 jobsite." Construction sites were also required to "[p]ost the daily screening protocol at all entrances
18 and exits to the jobsite."

19 12. The Health Order also required construction sites to provide notices to employees
20 that they should "not enter the jobsite if you have a fever, cough, or other COVID-19 symptoms. If
21 you feel sick, or have been exposed to anyone who is sick, stay at home."

22 13. Beginning on May 6, 2020 Plaintiff Robert Kuciemba began working for Defendant
23 at a construction jobsite in San Francisco (the "Premises").

24 14. In or around July 3, 2020, Defendant transferred workers from a jobsite in Mountain
25 View, California jobsite operated by Defendant to Mr. Kuciemba's location.

26 15. Defendant transferred these workers from its Mountain View jobsite after workers at
27 the same location became infected with COVID-19. Defendant knew or should have known that its
28 workers at the Mountain View jobsite were all potentially exposed to COVID-19. Defendant was

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1 also aware of the CDC guidelines and the San Francisco Health Order that would have prohibited
 2 these potentially infected individuals from entering the Premises without properly quarantining.

3 16. Instead of quarantining the individuals from its Mountain View jobsite, Defendant
 4 decided to put profits over safety by commingling the Mountain View workers with workers at the
 5 Premises including Mr. Kuciemba. Defendant was well aware of the dangers posed by COVID-19,
 6 including that it was highly infectious and potentially lethal for older, high-risk individuals. Despite
 7 this knowledge, Defendant knowingly, recklessly, and willfully failed to follow all health and safety
 8 protocols issued CDC and the Health Order when it permitted potentially infected individuals to
 9 enter and re-enter the Premises.

10 17. One or more of these workers from the Mountain View jobsite was in fact infected
 11 with COVID-19. In early July 2020, Mr. Kuciemba was forced to work in close contact with
 12 workers at the Premises, who came from the infected Mountain View jobsite, and one or more of
 13 these workers then infected him with COVID-19.

14 18. Mr. Kuciemba's last day on the job at the Premises was July 10, 2020. Within the
 15 next 1-2 days, Mr. Kuciemba and his wife both began experiencing symptoms. Mr. and Mrs.
 16 Kuciemba both tested positive for COVID-19 on July 16, 2020.

17 19. Both Plaintiffs were ultimately hospitalized after they developed respiratory
 18 symptoms from COVID-19. Mrs. Kuciemba, who is 65 and a high risk individual due to her age
 19 and health, developed a severe infection and remained hospitalized until early August 2020.

20 20. The actions of Defendant were a substantial factor in causing Plaintiff Mrs.
 21 Kuciemba's severe and traumatic injuries resulting from the COVID-19 infection to Mrs.
 22 Kuciemba.

23 21. Defendant committed various wrongful acts, including without limitation,
 24 Defendant:

- 25 (a) Improperly operated, managed, used, maintained and controlled the Premises in
 26 violation of applicable building codes and federal, state and municipal
 27 regulations including without limitation OSHA, Cal OSHA and the San
 28 Francisco Health Order as well as CDC guidelines;

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- (b) Failed to properly screen employees for COVID-19 who were entering the Premises;
- (c) Failed to protect employees from COVID-19 symptomatic (or asymptomatic persons) or potentially infectious persons;
- (d) Failed to cleanse and sanitize the workspace at the Premises;
- (e) Failed to provide personal protective equipment;
- (f) Failed to implement a social distancing policy;
- (g) Failed to otherwise follow the health and safety mandates required by OSHA, Cal OSHA, and/or the San Francisco Health Order as well as CDC guidelines;
- (h) Failed to warn Mr. Kuciemba, and other persons lawfully on the Premises property, of the danger presented by the workers from the Mountain View job site who were working at the Premises when Defendant knew, or in the exercise of reasonable care should have known, that the warnings were necessary to prevent injury to Plaintiffs, residents and/or visitors at the Premises;
- (i) Failed to make a reasonable inspection of the Premises when Defendant knew, or in the exercise of reasonable care should have known, that the inspection was necessary to prevent injury to Plaintiff, residents and/or visitors at the Premises;
- (j) Allowed the aforementioned premise to remain in a dangerous condition, for an unreasonable length of time; and/or
- (k) Failed to otherwise exercise due care with respect to the matters alleged in this Complaint.

22. Mr. Kuciemba is bringing a claim for Loss of Consortium in this Court arising from injuries to his wife.

FIRST CAUSE OF ACTION

Negligence

(Plaintiff Mrs. Kuciemba Against all Defendants)

23. Plaintiffs re-allege and incorporate the allegations set forth in paragraphs 1-22 of this Complaint.

24. Defendant breached the duty of care owed to Plaintiffs when it knowingly, recklessly, and willfully acted as set forth in paragraph 21. Defendant exposed Mr. Kuciemba to COVID-19 at the jobsite and it was foreseeable that Mrs. Kuciemba would also develop COVID-19 through her husband.

25. Defendant's breach of the duty of care to Ms. Kuciemba was the actual and proximate cause of Plaintiffs' damages alleged herein.

26. Defendant's actions were malicious, oppressive, and fraudulent, and Plaintiff Mrs. Kuciemba is entitled to recover punitive damages

SECOND CAUSE OF ACTION

Negligence Per Se

(Plaintiff Mrs. Kuciemba Against all Defendants)

27. Plaintiffs re-allege and incorporate the allegations set forth in paragraphs 1-26 of this Complaint.

28. Defendant's actions constitute a violation of San Francisco City and County's Order of the Health Officer No. C19-07c (Issued May 5, 2020) and all related state, federal, and local statutes, regulations, and orders including without limitation OSHA and Cal OSHA. Plaintiff Mrs. Kuciemba is in the class of persons protected under such state, federal, and local statutes, regulations and orders.

29. Defendant's violation of the above laws/regulations/orders was a substantial factor in bringing about Plaintiff Mrs. Kuciemba's harm and the loss.

30. As a direct and proximate result of Defendant's negligent acts and omissions, Mrs. Kuciemba was injured and is entitled to recover compensatory damages in an amount according to proof.

31. Defendant's actions were malicious, oppressive, and fraudulent, and Mrs. Kuciemba is entitled to recover punitive damages.

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THIRD CAUSE OF ACTION

**Negligence – Premises Liability
 (Plaintiff Mrs. Kuciemba Against All Defendants)**

32. Plaintiffs re-allege and incorporate the allegations set forth in paragraphs 1–31 of this Complaint.

33. Defendant, as owners and/or operator of the Premises, by and through their agents, servants, and/or employees, as the persons responsible for the maintenance of the Premises, acted with less than reasonable care and committed one or more of the following careless and negligent acts and/or omissions as described in paragraph 21.

34. The dangerous condition on property owned or controlled by Defendants was the actual and proximate cause of the injuries alleged herein.

FOURTH CAUSE OF ACTION

**Public Nuisance – Assisting in the Creation of Substantial and Unreasonable Harm to Public Health and Safety that Affects an Entire Community or Considerable Number of Persons
 [Cal. Civil Code §§ 3479, 3480, 3491, 3493; C.C.P. § 731]
 (Plaintiff Mrs. Kuciemba Against All Defendants)**

35. Plaintiffs re-allege and incorporate the allegations set forth in paragraphs 1–34 of this Complaint.

36. California Civil Code § 3479 defines "nuisance" as "[a]nything which is injurious to health, ... or is indecent or offensive to the senses, ... so as to interfere with the comfortable enjoyment of life or property."

37. California Civil Code § 3480 defines "public nuisance" as any nuisance that "affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal."

38. To constitute a "public nuisance," the offense against, or interference with the exercise of rights common to the public must be substantial and unreasonable. *People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1102, 1105.

39. The acts and omissions of Defendant alleged herein, which caused a considerable number of persons to suffer increased exposures and risks of exposures to the COVID-19 virus at Defendant's workplaces (including the Premises), including but not limited to Defendant's workers,

1 and other persons with whom those workers come into contact with both at Defendant's workplaces
 2 (including the Premises) and outside of Defendant's workplaces (including Mrs. Kuciemba).
 3 Defendant substantially and unreasonably created, and substantially assisted in the creation of, a
 4 grave risk to public health and safety, and wrongfully and unduly interfered with Mrs. Kuciemba's
 5 comfortable enjoyment of their lives and property. *See County of Santa Clara v. Atlantic Richfield*
 6 *Co.* (2006) 137 Cal.App.4th 292, 305-06.

7 40. The acts and omissions of Defendant alleged herein substantially and unreasonably
 8 created or assisted in the creation of the spread and transmission of grave, life-threatening disease
 9 and infection, the risk of spread and transmission of grave, life-threatening disease and infection
 10 disease or infection, and the actual and real fear and anxiety of the spread and transmission of
 11 grave, life-threatening disease and infection, all of which constitutes an actionable public nuisance.
 12 *See, e.g.*, Restatement (Second) of Torts § 821B & cmt. G ("[T]he threat of communication of
 13 smallpox to a single person may be enough to constitute a public nuisance because of the possibility
 14 of an epidemic; and a fire a hazard to one adjoining landowner may be a public nuisance because of
 15 the danger of a conflagration."); *Birke v. Oakwood Worldwide* (2009) 169 Cal.App.4th 1540, 1546
 16 (secondhand smoke in condominium complex); *County of Santa Clara v. Atlantic Richfield Co.*
 17 (2006) 137 Cal.App.4th 292, 306.

18 41. The public nuisance caused by Defendant as alleged herein has caused and will
 19 continue to cause special injury to Mrs. Kuciemba within the meaning of Civil Code § 3493, due to
 20 the infection Mrs. Kuciemba personally suffered, the risk of exposures she faced, and the increased
 21 anxiety and fear caused by her pre-existing medical condition and her need to separate herself
 22 from close family members to minimize the risk of further community spread. Those harms are
 23 different from the types of harms suffered by members of the general public who did not work or
 24 have direct contact with employees who worked at the Premises.

25 42. California Code of Civil Procedure § 731 and California Civil Code § 3491, 3493,
 26 and 3495 authorize Mrs. Kuciemba to bring this action for injunctive, equitable abatements, and
 27 damages relief from Defendant.
 28

43. Defendant's failure to comply with health and safety standard in its workplace, including the Premises, has caused, and is reasonably certain to cause, community spread of the COVID-19 infection. Such community spread has not been, and will not be, limited to the physical location of Defendant's workplaces only, or to the workers at the workplaces only (including the Premises), as infected works and other persons present at Defendant's workplaces (including the Premises) have interacted with their family members, co-residents neighbors, and others with whom they must necessarily interact as they undertake essential daily activities such as shopping, doctor's visits, and childcare.

44. This community spread has resulted in increased disease and will continue to result in increased disease.

45. Defendant's conduct as alleged herein unreasonably interferes with the common public right to public health and safety.

46. Defendant's decision to operate its workplaces (including the Premises) without ensuring minimum basic health and safety standards, including by meeting the OSHA, Cal Osha, the Health Order, and/or CDC regulations, guidelines, and other minimum public health standards necessary to stop or substantially reduce the spread of COVID-19, is reasonably certain to cause further spread of COVID-19 infection and the reasonable and severe fear of the further spread of COVID-19 to Plaintiffs and other members of the community.

47. Administrative and governmental remedies have proven inadequate to protect Mrs. Kuciemba from the harms alleged in this complaint and the wrongful conduct by Defendant alleged in this complaint. OSHA and Cal/OSHA, the principal government agencies tasked with ensuring workplace safety, have deprioritized inspections an enforcement at non-medical workplaces. The CDC, while able to issue recommendations, does not have or exercise independent enforcement authority against businesses that fail to follow those recommendations.

48. The risk of injury faced by Mrs. Kuciemba outweighs the cost of the reasonable measures included in Mrs. Kuciemba's proposed injunction.

49. Defendant and each of them are substantial contributors to the public nuisance alleged herein.

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1 50. Defendant's past and ongoing conduct is a direct and proximate cause of Mrs.
2 Kuciemba's injuries and threatened injuries.

3 51. Defendant knew and should have known that their conduct as alleged herein would
4 be the direct and proximate cause of the injuries alleged herein to Mrs. Kuciemba .

5 52. Defendant's conduct as alleged herein constitutes a substantial and unreasonable
6 interference with and obstruction of public rights and property, including the public rights to health,
7 safety and welfare of Mrs. Kuciemba and members of the public, and those who come in contact
8 with them, whose safety and lives are at risk due to Defendant's failure to adopt an implement
9 proper procedures for protecting workers, customers, and other from exposure to the COVID-19
10 virus.

11 53. Defendant has committed and continue to commit the acts alleged herein knowingly
12 and willfully.

13 54. As a proximate result of Defendant's unlawful actions and omissions,
14 Mrs. Kuciemba has been damaged in an amount according to proof of trial.

15 55. In addition to declaratory relief, injunctive relief, and damages as alleged herein,
16 Mrs. Kuciemba is entitled to interest, penalties, attorneys' fees and expenses pursuant to CCP §
17 1021.5, and costs of suit.

18
19 **FIFTH CAUSE OF ACTION**
20 **Loss of Consortium**
(Plaintiff Mr. Kuciemba Against All Defendants)

21 56. Plaintiffs re-allege and incorporate the allegations set forth in paragraphs 1-55 of
22 this Complaint.

23 57. Mr. Kuciemba and Mrs. Kuciemba were married at all relevant times.

24 58. Prior to July 2020, Mrs. Kuciemba was able to and did perform her duties as a wife.

25 59. As a direct and proximate result of the conduct, acts, and/or omissions of defendants,
26 and each of them, as set forth herein above, Mrs. Kuciemba has been unable to perform the
27 necessary duties of a husband including but not limited to the work and services usually performed
28 in the care, maintenance and management of the family home, and he will be unable to perform

1 such work, services and duties in the future. By reason thereof, Mr. Kuciemba has been deprived
 2 and will be deprived of the love, companionship, comfort, care, assistance, protection, affection,
 3 society, moral support, and the loss of enjoyment of sexual relations.

4 60. Plaintiffs reserve the right to prove the amount of damages at trial. The amount of
 5 compensatory damages sought will be in excess of the amount sufficient to establish jurisdiction.
 6

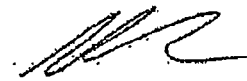
7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiffs pray that judgment be entered against Defendants follows:

- 9 1. For general and compensatory damages, including damages for pain and suffering,
 10 loss of enjoyment of life, lost wages, loss of consortium, lost earning capacity and
 11 emotional distress damages, in excess of the amount sufficient to establish
 12 jurisdiction according to proof at trial;
- 13 2. For punitive damages against Defendants;
- 14 3. For attorneys' fees and costs pursuant to CCP § 1021.5;
- 15 4. For injunctive relief;
- 16 5. For prejudgment interest on all amounts claimed;
- 17 6. For costs of suit; and
- 18 7. For such other and further relief as the Court may deem just and proper.

19
 20 Date: October 22, 2020

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21
 22 

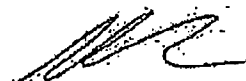
23 Martin Zurada
 24 Attorneys for Plaintiff
 25 CORBY KUCIEMBA and
 26 ROBERT KUCIEMBA
 27
 28

DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury.

Date: October 22, 2020

VENARDI ZURADA LLP



Martin Zurada
Attorneys for Plaintiff
CORBY KUCIEMBA and
ROBERT KUCIEMBA

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SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

Victory Woodworks, Inc., a Nevada Corporation; and Does 1-20,
inclusive

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Corby Kuciemba, an individual; Robert Kuciemba, an individual

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is: SUPERIOR COURT

(El nombre y dirección de la corte es):

County of San Francisco

400 McAllister Street

San Francisco, CA 94102

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Martin Zurada (SBN 218235)

(925) 937-3900

Venardi Zurada LLP, 25 Orinda Way, Suite 250, Orinda, CA 94563

DATE: NOV 04 2020
(Fecha)

CLERK OF THE COURT

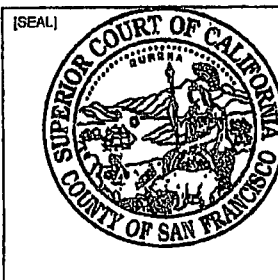
Clerk, by
Secretary

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify): VICTORY WOODWORKS, INC., A NEVADA

under: ☒ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

- ☐ by personal delivery on (date):

BY FAX

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

CASE NUMBER: CGC-20-587507 CORBY KUCIEMBA ET AL VS. VICTORY WOODWORKS, IN

NOTICE TO PLAINTIFF

A Case Management Conference is set for:

DATE: MAR-24-2021

TIME: 10:30AM

**PLACE: Department 610
400 McAllister Street
San Francisco, CA 94102-3680**

All parties must appear and comply with Local Rule 3.

CRC 3.725 requires the filing and service of a case management statement form CM-110 no later than 15 days before the case management conference. However, it would facilitate the issuance of a case management order **without an appearance** at the case management conference if the case management statement is filed and served twenty-five days before the case management conference.

Plaintiff must serve a copy of this notice upon each party to this action with the summons and complaint. Proof of service subsequently filed with this court shall so state. **This case is eligible for electronic filing and service per Local Rule 2.11. For more information, please visit the Court's website at www.sfsuperiorcourt.org under Online Services.**

[DEFENDANTS: Attending the Case Management Conference does not take the place of filing a written response to the complaint. You must file a written response with the court within the time limit required by law. See Summons.]

ALTERNATIVE DISPUTE RESOLUTION REQUIREMENTS

IT IS THE POLICY OF THE SUPERIOR COURT THAT EVERY CIVIL CASE SHOULD PARTICIPATE IN MEDIATION, ARBITRATION, NEUTRAL EVALUATION, AN EARLY SETTLEMENT CONFERENCE, OR OTHER APPROPRIATE FORM OF ALTERNATIVE DISPUTE RESOLUTION PRIOR TO A TRIAL.

(SEE LOCAL RULE 4)

Plaintiff **must** serve a copy of the Alternative Dispute Resolution (ADR) Information Package on each defendant along with the complaint. (CRC 3.221.) The ADR package may be accessed at www.sfsuperiorcourt.org/divisions/civil/dispute-resolution or you may request a paper copy from the filing clerk. All counsel must discuss ADR with clients and opposing counsel and provide clients with a copy of the ADR Information Package prior to filing the Case Management Statement.

Superior Court Alternative Dispute Resolution Administrator
400 McAllister Street, Room 103-A
San Francisco, CA 94102
(415) 551-3869

See Local Rules 3.3, 6.0 C and 10 B re stipulation to judge pro tem.